District Collector's orders to be in writing.

13. (1) The District Collector shall record his reasons in writing for every order passed by him under this Act. A copy of the order shall be despatched by registered post to all parties affected thereby whose addresses can be ascertained.

Appeal to Board of Revenue.

(2) Against every such order an appeal shall lie to the Board of Revenue within two months from the date of despatch.

Barring of suits and applications for an injunction.

14. No suit or application shall lie for an injunction to restrain a District Collector from proceeding under this Act, nor shall [1][the Government] or any officer of [2][the Government] be made a party to any suit or be liable in respect of anything done or purporting to be done under this Act in good faith.

Power to make rules.

15. Subject to the approval of the [3][State Government] the Board of Revenue may make rules not inconsistent with this Act for carrying out the purposes of the Act.

MADRAS ACT No. V OF 1911.[4]

[THE MADRAS HACKNEY CARRIAGE ACT, 1911.]

[*8th August* 1911.]

An Act to amend and declare the Law for the Regulation of Hackney Carriages [5][* * * *]

Preamble.

WHEREAS it is expedient to amend and declare the law relating to the regulation of hackney carriages; It is hereby enacted as follows :—

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[1] The words " the Crown " were substituted for the words " the Secretary of State for India in Council " by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown " by the Adaptation Order of 1950.

[2] The words " the Crown " were substituted for the word " Government " by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown " by the Adaptation Order of 1950.

[3] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[4] For Statement of Objects and Reasons, *see Fort St. George Gazette*, 1911, Extraordinary, p. 37; for Report of Select Committee, *see ibid*, 1911, Pt. IV, p. 285; for Proceedings in Council, *see ibid*, 1911, Pt. IV, pp. 84 and 463.

[5] The words " in the Town of Madras " were omitted by section 3 of the Madras State Carriages and Hackney Carriage (Amendment) Act, 1924 (Madras Act III of 1924).

(Chapter I.—Preliminary.)

CHAPTER I.

PRELIMINARY.

Title. **1.** (1) This Act may be called the Madras Hackney Carriage Act, 1911.

[1][(2) It extends to the town of Madras.

Local extent. (3) (i) The [2][State Government] may, by notification extend to such other parts of the Presidency of Madras as it may think fit all or any of the provisions of this Act from a date to be specified in the notification, which shall not be less than three months from the date of the notification.

Provided that no such notification shall be issued unless notice of the proposed extension inviting objections thereto shall have been published not less than two months previously.

(ii) The [2][State Government] may, by notification, cancel or modify any such notification as is referred to in clause (i).]

Mad. Act III of 1879. Repeal. **2.** The Madras Hackney Carriage Act, 1879, is hereby repealed.

Definitions, **3.** In this Act, unless there be something repugnant in the subject or context,—

"Commissioner." (1) "Commissioner" means the Commissioner of Police appointed [3][for the City of Madras].

"Magistrate." (2) "Magistrate" means any magistrate having local jurisdiction in any area to which this Act extends.

Hackney carriage. [4][(3) 'Hackney carriage' means any wheeled vehicle (including a cycle-rickshaw) [5 not owned by the State Government] which—

(i) is drawn, pushed or propelled by a man, or is drawn by a horse, bullock or other animal;

(ii) is used for the conveyance of any person; and

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[1] Sub-sections (2) and (3) were substituted for the original sub-sections by section 4, of the Madras State Carriages and Hackney Carriage (Amendment) Act, 1924 (Madras Act III of 1924).

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] These words were substituted for the words and figures "under the Madras City Police Act, 1888, by section 3 (1) of, and the Second Schedule to Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

[4] This clause was substituted for the original clause (3) by section 2 (i) (a) of the Madras Hackney Carriage (Amendment) Act, 1949 (Madras Act XXXIII of 1949).

[5] These words were inserted by section 2 of the Madras Hackney Carriage (Amendment) Act, 1951 (Madras Act IX of 1951).

(iii) stands or plies for hire by the hour or day or according to distance.]

[1][* * * * * * *].

"Driver." [1](4) "Driving" includes [2][drawing, pushing or propelling] and "driver" includes any person who drives, [3][draws, pushes or propels] any hackney carriage.

"Horse." [1](5) "Horse" includes mule or pony.

"Year of registration." [1](6) "Year of registration" means the year ending with the thirty-first day of March.

CHAPTER II.

REGISTRATION AND NUMBERING OF HACKNEY CARRIAGES.

Annual registration compulsory. **4.** Every hackney carriage shall be annually registered by the Commissioner.

Application for registry. **5.** (1) Any person who is desirous of having any vehicle registered as a hackney carriage shall apply to the Commissioner, and shall submit such vehicle for such inspection as the Commissioner may direct.

(2) The person in whose name any carriage is registered shall be deemed to be the owner of such carriage for the purposes of this Act.

Right to registry. **6.** Every applicant under section 5 shall be entitled to registration unless the Commissioner is of opinion that the vehicle is not fit for public use: Provided that no vehicle shall be registered in the name of a minor.

[4][Provided further that the Commissioner shall have power—

(i) to limit the number of vehicles of any description which may be registered annually, in which case no vehicle of that description shall be registered in any year in excess of the number so limited;

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[1] Sub-section (4) was omitted and sub-sections (5), (6) and (7) were re-numbered by section 5 of the Madras Stage Carriages and Hackney Carriage (Amendment) Act, 1924 (Madras Act III of 1924).

[2] These words were substituted for the words "dragging or pushing" by section 2 (i) (*b*) of the Madras Hackney Carriage (Amendment) Act, 1949 (Madras Act XXXIII of 1949).

[3] These words were substituted for the words "drags or pushes" by *ibid.*

[4] For the proviso added by section 2 of the Madras Hackney Carriage (Amendment) Act, 1941 (Madras Act I of 1941), the present proviso was substituted and re-enacted permanently by section 3 of, and the Second Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

(Chapter II.—Registration and Numbering of Hackney Carriages.)

(ii) to refuse to register vehicles of a particular description, in which case no vehicle of that description shall be registered.]

Grant of carriage licence.

7. (1) The Commissioner shall at the time of registration deliver a licence duly signed by him to the applicant.

Currency of licence.

(2) A licence granted under this section shall be in force for the year of registration.

Form of licence.

8. The following particulars shall be entered in the register and in the licence to be given to the applicant :—

First.—The number in the register of the hackney carriage.

Second.—The name and residence of the owner and the place where the carriage is kept.

Third.—A description of the carriage.

Fourth.—The number of horses or other animals to be employed in drawing such carriage and, if the carriage is drawn [1][pushed or propelled] by men, the number of men to be so employed.

Fifth.—The number of passengers such carriage is licensed to carry.

Sixth.—The date of the licence.

Fee for licence.

9. A fee shall be paid to the Commissioner for each licence in accordance with the following scale :—

	RS.	A.
[2] (*a*) For every four-wheeled carriage drawn by two or more horses licensed to carry more than six passengers	10	0
(*b*) For every other four-wheeled carriage drawn by two horses	5	0
(*c*) For every other four-wheeled carriage drawn by one horse or by bullocks	2	0
(*d*) For every two-wheeled carriage drawn by one horse	1	0

[1] These words were substituted for the words " or pushed " by section 2 (ii) of the Madras Hackney Carriage (Amendment) Act, 1949 (Madras Act XXXIII of 1949).

[2] This scale was substituted for the original scale by section 6 of the Madras Stage Carriages and Hackney Carriage (Amendment) Act, 1924 (Madras Act III of 1924).

(Chapter II.—Registration and Numbering of Hackney Carriages.)

	RS.	A.
(*e*) For every two-wheeled carriage drawn by one or more bullocks	0	8
(*f*) For every rickshaw [1][cycle-rickshaw], perambulator or other carriage drawn [2] [pushed or propelled] by a man	0	4]

Suspension of licence by Commissioner.

10. The Commissioner may suspend for such period as he thinks fit the licence of any hackney carriage, whenever it appears to him that such carriage or any animal or harness used therewith is unfit for public use.

Transfer of registry.

11. On any transfer of a hackney carriage the transferee shall, if he desires to use it as such, within one week of the date of the transfer, apply to the Commissioner for transfer of the registry giving him the particulars specified in the first hree clauses of section 8.

Notice of change of residence, etc., to be given by licensee.

12. (1) Whenever the owner of a hackney carriage changes his residence, or the place where such carriage is kept, he shall within one week from the date of such change forward his licence and give to the Commissioner a notice in writing signed by him specifying the new residence or place.

Penalty.

(2) Every such owner who neglects to forward his licence and give such notice shall be liable to a fine not exceeding twenty rupees.

Transfers and change of residence to be registered.

13. The Commissioner, on receiving the application or notice specified in either of the two last preceding sections, shall make the necessary alteration in the register and the licence and return the licence ; and a fee of two annas shall be payable in respect thereof.

Penalty for keeping unlicensed hackney carriage.

14. Whoever keeps any hackney carriage, which has not been duly licensed under this Act, shall be liable to a fine not exceeding fifty rupees.

Numbering of hackney carriage.

15. (1) Upon the registration of any hackney carriage the Commissioner shall cause to be painted on some conspicuous part of the carriage or on a plate to be affixed on some conspicuous part of the carriage its number in the register and the number of passengers it is licensed to carry.

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[1] This word was inserted by section 2 (iii) of the Madras Hackney Carriage (Amendment) Act, 1949 (Madras Act XXXIII of 1949).

[2] These words were substituted for the words "or pushed" by *ibid.*

(Chapter II.—Registration and Numbering of Hackney Carriages. Chapter III.—Driver's Licence and Badge.)

Renewal of inscription or plate.

(2) If the words or figures so painted become indistinct or are obliterated during the term of the licence, the owner of the carriage shall be bound to produce it before the Commissioner and apply to have such words or figures renewed. If the plate so affixed shall have been lost or stolen, the owner of the carriage shall be bound to apply to the Commissioner to have a new plate affixed. The charge for such painting or new plate shall be four annas.

Return of plate on expiry of licence.

16. (1) On the expiration or other determination of the period of registration, the owner of every hackney carriage shall cause the plate of such hackney carriage to be delivered to the Commissioner.

Penalty.

(2) Any person who, after the expiration of the period aforesaid, wilfully omits for fourteen days to deliver the plate to the said officer, shall be liable to a fine not exceeding twenty rupees.

Penalty for using counterfeit plate.

17. (1) Every person who shall, for the purpose of deception, use or have any plate resembling or intended to resemble any plate affixed under this Act, shall be punishable with fine which may extend to fifty rupees, and in the case of a subsequent conviction under this section with fine which may extend to one hundred rupees or with imprisonment for a term which may extend to one month.

Seizure of counterfeit plate.

(2) Any police-officer may seize and take away any plate used or had as aforesaid, wheresoever the same may be found, and deliver the same to the Commissioner.

Penalty for plying for hire without plate.

18. If any hackney carriage stands or plies for hire without a plate or legible inscription as prescribed by section 15, the owner thereof shall be liable to a fine not exceeding twenty rupees.

CHAPTER III.

Driver's Licence and Badge.

Grant of driver's licence.

19. (1) It shall be lawful for the Commissioner to grant a licence to act as driver of any hackney carriage to any applicant whom he may consider fit.

Form of licence.

(2) Every such licence shall contain—

the number of the licence,

the name, place of abode and age of the person to whom such licence is granted,

the description of carriage and animals, if any, to be used therewith, and

the date on which the licence was granted,

and shall bear the signature of the Commissioner.

Currency of licence.

(3) Such licence shall be in force for the year of registration and the fee payable therefor shall be [1][one rupee and eight annas] unless the licence relates solely to a carriage of the description specified in clause (*f*) of section 9, in which case the fee shall be [2] [six annas].

Particulars of licence to be registered.

20. The particulars of every licence which shall be granted under the provisions of section 19 shall be entered in a register by the Commissioner, and every person applying shall be furnished with a certified copy of such particulars on payment of a fee of two annas.

Penalty for driving without licence or lending licence.

21. If at any time fifteen days after the time when a licence should have been obtained any person acts as the driver of a hackney carriage without having a licence in force for the time being, or, having a licence, fails to carry it with him when driving a hackney carriage or transfers or lends it or allows it to be used by any other person, he shall be liable to a penalty not exceeding twenty rupees.

Suspension of licence by Commissioner.

22. The Commissioner may suspend for such period as he thinks fit the licence of the driver of a hackney carriage whenever in his opinion such driver is unfit to be so employed.

Penalty for suffering unlicensed person to drive.

23. The owner of a hackney carriage who knowingly suffers any person, not duly licensed under this Act, to act as driver of such carriage shall be liable to a penalty not exceeding fifty rupees :

Proviso.

Provided that such owner and such unlicensed driver shall be subject to all the provisions of this Act for any act done or omitted to be done by such driver during such employment in like manner as if such driver had been duly licensed.

Supply of badge to driver.

24. (1) The Commissioner shall, at the time of granting a licence to any driver of a hackney carriage, furnish him with a metal badge punched or marked with the number of his licence.

Driver to wear badge.

(2) Every driver to whom such badge is delivered shall, at all times while acting as driver, or while attending before any magistrate, wear such badge exposed to view.

Penalty.

(3) In case any such driver omits to wear such badge exposed to view while acting as driver or attending before a magistrate, he shall be liable to a penalty not exceeding ten rupees.

Renewal of lost or damaged badge.

(4) Whenever the number on any badge becomes indistinct or is obliterated during the term of the licence, and also whenever any badge is lost or stolen, the person to whom the

[1] The words "one rupee and eight annas" were substituted for the words "one rupee" by section 7 of the Madras Stage Carriages and Hackney Carriage (Amendment) Act, 1924 (Madras Act III of 1924).

[2] The words "six annas" were substituted for the words "four annas" by *ibid.*

licence relating to any such badge has been granted shall deliver such badge or notify its loss and shall produce such licence to the Commissioner, and such person shall then be entitled to have a new licence and badge delivered to him upon payment of [1][the fee mentioned in sub-section (3) of section 19]. Such new licence shall be in force for the year of registration.

Penalty.

(5) Every person licensed under the authority of this Act who uses or wears the badge granted to him after the writing thereon has become indistinct or obliterated shall be liable to a fine not exceeding ten rupees.

Return of expired licence and badge.

25. (1) Upon the expiration or other determination of any licence granted to a driver under this Act he shall deliver such licence and his badge to the Commissioner.

Penalty.

(2) Every driver who neglects for three days to deliver such expired licence and badge to the Commissioner, and also every person who uses, or wears, or fraudulently detains any such expired licence or badge, and every person to whom any expired licence or badge has been delivered who lends, gives away, mortgages or sells such badge to any other person and every person who details, wears or uses any licence or badge of any other person shall be liable to a penalty not exceeding twenty rupees.

Penalty for using counterfeit badge.

26. Every person who for the purpose of deception uses or wears any badge resembling or intended to resemble any badge granted under the authority of this Act shall be punishable with fine which may extend to fifty rupees, and in the case of a subsequent conviction under this section with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month.

Seizure of expired or counterfeit badge.

27. Any police officer may seize and take away any expired or counterfeit badge, or any badge in respect of which an offence under section 25 has been committed, wheresoever the same may be found, and deliver the same to the Commissioner.

Penalty for failing to produce licence before magistrate.

28. Whenever any driver is summoned to appear before any magistrate to answer any charge preferred against him under this Act, he shall carry with him his licence, and produce the same if required so to do; and any driver who on such requisition refuses to produce such licence shall be liable to a fine not exceeding five rupees.

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[1] The words and figures within square brackets were substituted for the words and figure "half the fee mentioned in section 9" by section 8 of the Madras Stage Carriages and Hackney Carriage (Amendment) Act, 1924 (Madras Act III of 1924).

(Chapter III.—Driver's Licence and Badge. Chapter IV.—Fares, Hiring and Plying for Hire.)

Convictions under Act to be endorsed on licence.

29. On the conviction of any driver for any offence under this Act the magistrate shall cause to be endorsed on his licence the nature of the offence, the date of the conviction and the amount of the penalty inflicted.

Cancellation or suspension of licence on conviction.

30. (1) On the conviction of any driver for any offence under this Act the magistrate may direct the cancellation of the licence of such driver or its suspension for such time as he thinks fit.

Return of licence or badge on conviction.

(2) For such purpose he may require the driver or any other person who may be in possession of the licence or badge to deliver up the same.

Penalty.

(3) If such driver or other person refuses or neglects to deliver up the licence or badge, he shall be liable to a penalty not exceeding ten rupees.

Magistrate to communicate sentence and forward licence and badge to Commissioner.

(4) The magistrate shall forward every licence and every badge delivered up to him under sub-section (2) to the Commissioner together with a memorandum of his sentence in the case.

Action to be taken by Commissioner.

(5) The Commissioner shall enter the fact of such sentence in the register referred to in section 20, and shall either suspend or cancel such licence according to the direction of the magistrate; and if it has been suspended, the Commissioner shall on application, at the end of the period of suspension, re-deliver such licence or badge to the person to whom it was granted.

CHAPTER IV.

Fares, Hiring and Plying for Hire.

Maximum fares for use of hackney carriages.

31. (1) The owner or driver of every hackney carriage may demand and receive for the hire of such carriage such fares as may be fixed and published by the Commissioner with the sanction of the [1][State Government] duly notified:

Contract for lower fare to be binding. Back fares prohibited.

Provided that any agreement entered into to accept a fare lower than the fare so fixed shall be binding.

(2) No owner or driver shall demand or receive over and above the said fare any sum for back fare for the return of the carriage from the place at which it was discharged.

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[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

Contract for higher fare invalid.

32. No agreement made with the driver of any hackney carriage for the payment of more than the fare published in accordance with section 31 shall be binding on the person making the same, and any person, notwithstanding such agreement, may refuse on discharging such hackney carriage to pay any sum beyond such fare. If in pursuance of such agreement any person receives any sum exceeding the fare allowed, he shall be liable to pay a fine not exceeding ten rupees and also to refund such excess, which shall be recoverable as if it were a fine.

Penalty.

Publication of authorized fares and distances.

33. (1) The Commissioner shall cause to be prepared a list in English and Tamil or other vernacular language of the fares published under section 31 and shall annex to such list a table showing the distances between the principal places to and from which hackney carriages commonly ply. The distances so shown shall be presumed to be correct.

Copies of published scale to be available for sale.

(2) Copies of such list and table shall be issued to all applicants on payment of [1][a fee for each copy of four annas or of such other sum as the Commissioner subject to the control of the [2] (State) Government may prescribe].

Driver to keep copy of published scale and produce on demand.

(3) The driver of every hackney carriage standing or plying for hire shall have with him a copy of such list and table and shall on demand produce the same for the inspection of any police officer or for the information of any hirer of, or passenger by, his carriage under penalty on conviction by a magistrate of a fine not exceeding ten rupees.

Maximum distance to which driver is bound to drive.

34. (1) The driver of every hackney carriage standing or plying for hire shall drive such carriage to any place named by the hirer which is not more than three miles from the place of hiring in the case of vehicles of the description specified in clause (*f*) of section 9 and six miles in the case of any other vehicle.

Minimum speed when hired by time.

(2) When any such carriage is hired by time, the driver thereof shall drive the same at a rate of speed not less than that prescribed by the Commissioner.

Penalty.

(3) A driver failing, without reasonable excuse, to comply with the provisions of this section, shall be liable to a fine not exceeding ten rupees.

Quantity of luggage to be carried.

35. The driver of every hackney carriage shall carry in or upon such carriage without additional charge such quantity of luggage for every person hiring the same as may be prescribed by by-law under this Act.

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[1] These words were substituted for the words "a fee of two annas for each copy" by section 2 of the Madras Hackney Carriage (Amendment) Act, 1947 (Madras Act XVII of 1947).

[2] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

(*Chapter IV.—Fares, Hiring and Plying for Hire.*)

Penalty for refusing to let hackney carriage for hire.

36. Any owner or driver of any hackney carriage who demands more than the fare to which he is legally entitled, or without reasonable excuse refuses to let such carriage for hire shall be liable to a fine not exceeding fifty rupees and to pay such further sum by way of compensation to the party complaining as to the magistrate may seem just; and such further sum shall, in default of immediate payment, be levied as if it were a fine.

Penalties for various offences by driver.

37. Every driver of a hackney carriage, who—

(*a*) is drunk during his employment,

(*b*) makes use of insulting or abusive language or gesture,

(*c*) stands elsewhere than at some stand or other place appointed for the purpose or loiters for the purpose of being hired in or upon any public street, road or place,

(*d*) wilfully obstructs, or hinders, the driver of any hackney carriage in taking up or setting down any person into, or from, such other carriage,

(*e*) wrongfully prevents or endeavours to prevent the driver of any other hackney carriage from being hired,

(*f*) refuses to admit and carry in such carriage the number of passengers the carriage is licensed to carry,

(*g*) carries more than such number of passengers,

(*h*) refuses to carry such quantity of luggage as is provided by the by-laws under this Act,

(*i*) being hired, permits or suffers any person to be carried in or upon or about such hackney carriage during such hire, without the consent of the person hiring the same,

(*j*) drives in any hackney carriage any animal which is not so secured as to be under the control of the driver,

(*k*) being hired by time or distance, before he has been discharged by the hirer, wilfully deserts from the hiring,

(*l*) plies for hire with any carriage or animal which shall at the time be unfit for public use,

(*m*) without previously disinfecting it knowingly uses for hire any carriage used for the conveyance of a corpse or any person suffering from any contagious or infectious disease,

shall be liable to a fine not exceeding fifty rupees, or to imprisonment which may extend to one month, or to both.

Requisition to owner to produce absent driver.

38. (1) When a complaint is made before a magistrate against the driver of a hackney carriage under this Act, the magistrate may, if the driver fails to appear, summon the owner to appear and to produce the driver.

Penalty.

(2) If the owner after being duly summoned fails without reasonable excuse to appear or to produce the driver according to the summons, he shall be liable to a fine not exceeding fifty rupees.

(*Chapter IV—Fares, Hiring and Plying for Hire.*)

(3) If the owner fails without reasonable excuse to appear or produce such driver on a second or subsequent summons requiring him to do so, the magistrate may dispose of the complaint in the absence of the owner and driver or either of them. *Ex parte* disposal of complaint.

39. (1) In case of any dispute between the hirer and the driver of any hackney carriage, either may require the other to proceed forthwith to the nearest magistrate's court; and the then sitting magistrate shall hear and determine the dispute in a summary way. Procedure in case of dispute between hirer and driver.

(2) If no magistrate be then sitting, either party may require the other to proceed to the nearest police officer who shall enter the complaint in his diary and require the parties to appear before the magistrate at his next sitting.

(3) On failure of either party to appear before the magistrate in pursuance of a requisition under sub-section (1) or sub-section (2) or to attend the court at any subsequent sitting to which the case may be adjourned, the magistrate may decide the case *ex parte*, and his decision shall be binding on both parties.

40. (1) If any person who has hired a hackney carriage refuses to pay to the owner or driver thereof the fare payable under this Act, the magistrate may order payment of such fare, and also of reasonable compensation for loss of time and in default of immediate payment such fare and compensation may be recovered as a fine. Procedure in case of refusal to pay fare.

(2) If any person who has used any such carriage attempts to evade payment of the legal fare, or any portion thereof, he shall be liable to a fine not exceeding fifty rupees in addition to any payment which may have been ordered under sub-section (1). Penalty.

41. (1) Every person who wilfully tears, destroys, defaces, obliterates, or removes any plate, list of fares, table of distances, or driver's badge kept under the provisions of this Act, shall be liable to a fine not exceeding twenty rupees. Penalty for defacing or destroying plate, badge or table of fares.

(2) Any portion of the fine may be awarded to the person to whom such plate, list of fares, table of distances, or driver's badge belongs.

42. Every person using a hackney carriage who wilfully injures the same shall be liable to a fine not exceeding Rs. 20, and shall also pay to the owner such compensation for the injury as the magistrate may direct; and such compensation shall be leviable as if it were a fine. Penalty for wilful injury to hackney carriage.

43. [*Repealed by Madras Act III of* 1924.]

(Chapter IV.—Fares, Hiring and Plying for Hire. Chapter V.—Lost Property.)

Hackney carriage stands.

44. (1) The Commissioner shall appoint a sufficient number of public stands for hackney carriages.

(2) Every public stand so appointed shall have a board placed in a conspicuous place on the same containing a notice in English and Tamil or other vernacular language stating that the stand is a public stand under this Act, and specifying the number of carriages that may stand upon it.

CHAPTER V.

Lost Property.

Deposit with police of property left in hackney carriages.

45. (1) The owner or driver of every hackney carriage wherein any property is left by any person shall, within eighteen hours, carry such property to the nearest police-station and deposit it with the inspector or other officer on duty, and shall be entitled to a receipt duly signed by the officer taking charge of the same.

Penalty.

(2) Any such owner or driver making default herein shall be liable to a fine not exceeding Rs. 20, or to imprisonment for a period which may extend to one month, or to both.

46. (1) The said officer shall forthwith enter, in a book to be kept for that purpose,—

(*a*) the description of the property ;

Police to register particulars of property deposited

(*b*) the name and address of the driver or other person who brings it ;

(*c*) the name and address of the owner of the hackney carriage in which it was left, and the registered number of the carriage ; and

and grant receipt;

(*d*) the day and hour when the property is brought ;

and shall give to the person bringing the property a receipt for the same.

Return of property to owner.

(2) Such property shall be delivered to the person who satisfies the Commissioner that it belongs to him upon payment of all expenses incurred by the owner or driver, together with such reasonable sum as the Commissioner may award :

Sale of unclaimed property.

Provided that if the property is not claimed and the ownership established within six months from the date of deposit, the Commissioner may cause the property to be advertised and sold by public auction ; and the proceeds, after deducting the expenses, together with such reasonable sum as the Commissioner may award to the owner or driver, may be forfeited to the Government.

(*Chapter V.—Lost Property. Chapter VI.—Prosecutions. Chapter VII.—By-Laws and Delegations.*)

CHAPTER VI.

PROSECUTIONS.

Ex parte disposal of criminal charges.

47. If in any prosecution under this Act the person charged does not appear as directed by the summons, the magistrate may, upon proof of service and if no sufficient cause be shown for the non-appearance, proceed to dispose of the case in his absence.

Limitation restricting criminal proceedings.

48. (1) No person shall be liable to prosecution for any offence under this Act unless the complaint respecting such offence be made within one month next after the commission of such offence.

Continuing offences.

(2) For the purposes of this section every omission punishable under this Act shall be deemed to be a continuing offence so long as the omission continues.

Compensation for frivolous prosecution.

49. Where the magistrate is satisfied that a complainant has no reasonable ground for instituting a prosecution, he may direct the complainant to pay to the accused such compensation not exceeding fifty rupees as he thinks fit; and the sum so awarded shall be recoverable as if it were a fine.

CHAPTER VII.

BY-LAWS AND DELEGATIONS.

Power to make by-laws.

50. The Commissioner may, subject to the approval of the [1][State Government] and after previous publication, make by-laws not inconsistent with the provisions of this Act with regard to—

(*a*) the examination and qualifications of drivers and the conditions under which they may be employed;

(*b*) the description of horses, bullocks or other animals, harness and other things to be used with hackney carriages, the dimensions of such carriages, and the condition in which such carriage and the horses, bullocks or other animals, harness and other things used therewith shall be kept;

(*c*) the inspection of the premises on which any such carriages, horses, bullocks or other animals, harness and other things are kept;

(*d*) the protection of weak, lame and sickly horses, bullocks or other animals;

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[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(Chapter VII.—By-Laws and Delegations. Chapter VIII.—Extension of the Act.)

(*e*) the publication of a list of fares and table of distances and the regulation of the amount and weight of luggage to be carried with or without additional charge ; and

(*f*) generally for carrying out the purposes of this Act :

Provided that such by-laws shall not take effect until the expiration of one month from the date of their publication.

Penalty for breach of by-laws.

51. Whoever infringes any by-law shall, on conviction before a magistrate, be liable to a fine not exceeding twenty rupees.

Delegation of Commissioner's function in Madras.

52. Subject to the control of the [1][State Government] the Commissioner may delegate to any Deputy or Assistant Commissioner all or any of his functions under this Act in respect of the whole or any part of the City of Madras.

CHAPTER VIII.

Extension of the Act.

Discharge of Commissioner's functions in mufassal.

53. Upon the extension of this Act to any town or place under sub-section (3) of section 1 the [1][State Government] shall appoint persons by name or by official designation to perform the functions of the Commissioner under this Act.

MADRAS ACT No. I OF 1914.[2]

[The Madrar Hindu Transfers and Bequests Act, 1914.]

[*24th March*, 1914.]

An Act to declare the rights of Hindus to make transfers and bequests in favour of unborn persons.

Preamble.

Whereas it is expedient to declare the rights of persons governed by the Hindu law to make transfers and bequests in favour of unborn persons ; It is hereby enacted as follows :—

Short title

1. This Act may be called " The [3](Madras) Hindu Transfers and Bequests Act, 1914."

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[1]The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[2] For Statement of Objects and Reasons, *see Fort St. George Gazette*, 1913, Pt. IV, p. 691 ; for Report of Select Committe, *see ibid*, p. 943 ; and for Proceedings in Council, *see ibid*, p. 785.

[3] This word was inserted by section 3 (1) of and the second Scheduled to the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).